

From: Michael Beam
5227 Scotsglen Drive
Glen Allen, VA 23059
(804) 527-3424

August 07, 2011

To: Clerk of the Bankruptcy Court
United States Bankruptcy Court
701 East Broad Street – Room 4000
Richmond, Virginia 23219

2011 AUG 10 AM 11:08
U.S. BANKRUPTCY COURT
RICHMOND DIVISION

FILED

Response to :

“Notice of Liquidating Trust’s Objection to Claims Filed by Michael W. Beam”

Status Hearing to be held 2:00 p.m. (Eastern Time) on August 22, 2011 – Courtroom 5000

a) caption:

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In Re:

Circuit City Stores, Inc., et. al., (Debtors) Chapter 11
Case No. 08-35653 (KRH)

Response to :

“Notice of Liquidating Trust’s Objection to Claims Filed by Michael W. Beam”

b) claimant information: (as previously submitted and reviewed in court on March 22, 2011)

Michael W. Beam Claim # 13410 / 6022

Claim Amount \$19,186.23 USD

Claim Amount represents my individual half of FY09 STIP bonus. This claim assumes the following:

½ Bonus – Company Performance – Assume 0% payout or 0\$

½ Bonus – Individual performance – Assume 100% payout or \$19,186.23.

*Note - The amount of this claim was reviewed and accepted as accurate in court on March 22, 2011.

c) concise statement of relevant facts:

- The objection states that my previously accepted claim amount should be changed from Administrative status to General Unsecured status. On March 22, 2011, the court agreed with my previous objection response, and ruled in my favor that my bonus should be paid in full as an administrative claim in the amount of \$19,186.23.
- As has been reviewed, I only became eligible for my bonus after 1) completing the fiscal rating period, meeting all necessary requirements, on February 28, 2009, and 2) being employed with the company as of May 15, 2009. Both criteria were met, and both dates were post-petition.
- As reviewed in the hearing on March 22, 2011, I remained employed with the company a full 6 months after the liquidation announcement, until July 17, 2009, working faithfully and diligently to effectively wind down the company's IT operations even while my future employment status was unknown. This effort was indeed for the benefit of the company and the trust, as much of my work ensured key dates were met in shutting down the operation's systems, and key deliverables were met in assisting with the sale of intellectual property (i.e. the CC website), all of which allowed the operating trust to save and realize substantial sums of money furthering the cause of meeting obligations on outstanding claims. **For both of these reasons, I believe this objection should be overruled, and the court's original decision should be preserved, allowing the claim to maintain its status as an Administrative claim.** As noted before the two claim numbers in question are indeed duplicates, and one should be disallowed.
- I regret I am unable to attend the status hearing in person on August 22, as I have a previous commitment in Philadelphia, PA, which is important and necessary in my new post-Circuit City career. If helpful, I would welcome the opportunity to delay this matter until a further date, upon which I would make every effort to attend in person to answer additional questions related to this matter. I respectfully submit, based on the facts stated above as well as in previous submissions and testimony, that my bonus be paid in full as an administrative claim.

d) No additional paperwork is being submitted other than this objection response.

e) declaration of person with personal knowledge: (as previously submitted and reviewed in court on March 22, 2011)

Wayne Luck, CIO, and my immediate manager for the entire rating period can speak to the successful completion of objectives for FY09. Wayne's contact information is :

Wayne Luck
8954 Kings Charter Drive
Mechanicsville, Va. 23116
804-314-2823

f) claimant contact information

Michael W. Beam
5227 Scotsglen Drive
Glen Allen, VA 23059

NOTE: Claimant address is the notice address.

g) representative of claimant

same as claimant above

Respectfully Submitted,



Michael W. Beam

August 07, 2011

Cc:

Jeffrey N. Pomerantz, Esq.
Andrew W. Caine, Esq.
(admitted pro hac vice)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Boulevard
Los Angeles, California 90067-4100
Telephone: (310) 277-6910
Telecopy: (310) 201-0760

Lynn L. Tavenner, Esq. (VA Bar No. 30083)
Paula S. Beran, Esq. (VA Bar No. 34679)
TAVENNER & BERAN, PLC
20 North Eighth Street, 2nd Floor
Richmond, Virginia 23219
Telephone: (804) 783-8300
Telecopy: (804) 783-0178